

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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JDM LONG ISLAND, LLC,

Plaintiff,

-against-

ORDER
10-CV-5564 (JS) (AKT)

U.S. BANK NATIONAL ASSOCIATION, as
successor trustee for the registered
holders of LB-UBS Commercial Mortgage
Trust 2006-C7, Commercial Mortgage
Pass-Through Certificates, Series
2006-C7,

Defendant.

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U.S. BANK NATIONAL ASSOCIATION, as
successor trustee for the registered
holders of LB-UBS Commercial Mortgage
Trust 2006-C7, Commercial Mortgage
Pass-Through Certificates, Series
2006-C7,

Counterclaim
Plaintiff,

-against-

TOWN OF HEMPSTEAD INDUSTRIAL
DEVELOPMENT AGENCY; JDM LONG ISLAND,
LLC; JOSEPH MOINIAN; DAVID MOINIAN; THE
PEOPLE OF THE STATE OF NEW YORK, VILLAGE
OF HEMPSTEAD; EAST COAST PETROLEUM, INC.;
BAGNATO REALTY SERVICES, LLC (d/b/a NAI
LONG ISLAND); THE PEOPLE OF THE STATE OF
NEW YORK; "JOHN DOE;" "MARY ROE;" AND
"XYZ CORPORATION" (the last three names
being fictitious but intended to
designate tenants residing at or persons
having an interest in the premises
described in the Complaint herein,

Counterclaim
Defendants,

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APPEARANCES

For JDM, and
Joseph & David
Moinian:

Kevin J. Nash, Esq.
Matthew Ethan Hearle, Esq.
Goldberg Weprin Finkel Goldstein LLP
1501 Broadway, 22nd Floor
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For U.S. Bank:

Adam Gilbert, Esq.
Nixon Peabody LLP
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Jeffrey Ross Wang, Esq.
Robert J. Lack, Esq.
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7 Times Square
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For Village of
Hempstead:

Debra Ann Urbano-DiSalvo, Esq.
Village of Hempstead Attorney's Office
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P.O. Box 32
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For the Receiver:

Abraham B. Krieger, Esq.
Richard J. Eisenberg, Esq.
Meyer, Suozzi, English & Klein, P.C.
990 Stewart Avenue, Suite 300
P.O. Box. 9194
Garden City, NY 11530

For the remaining
Counterclaim
Defendants:

No appearances.

SEYBERT, District Judge:

Presently before the Court is the Receiver Dennis J. Sherry's (the "Receiver") third unopposed motion for the payment of attorney's fees. (Docket Entry 101.) The Receiver previously

moved for attorney's fees and costs in the amount of \$43,047.98 for services rendered between July 20, 2011 and December 31, 2011 and in the amount of \$74,577.94 for services rendered between January 1, 2012 and November 30, 2012. (Docket Entries 76, 101.) The Court granted both requests on August 10, 2012 and April 8, 2013, respectively. (Docket Entries 99, 109.) The Court hereby incorporates by reference the factual background and applicable law as detailed in its August 2012 Memorandum and Order. (Docket Entry 99.)

The Receiver's third motion seeks fees and costs in the amount of \$55,587.93 for services rendered between December 1, 2012 and June 30, 2013. Upon thorough review of the materials submitted in support of the application, and with the knowledge that no party has objected to the payment of these interim fees, the Court is satisfied that the pending application for attorney's fees and costs is warranted and reasonable.

CONCLUSION

For the foregoing reasons, the Receiver's motion for attorney's fees and costs in the amount of \$55,587.93 for services rendered between December 1, 2012 and June 30, 2013 (Docket Entry 116) is GRANTED.

SO ORDERED.

/s/ JOANNA SEYBERT
Joanna Seybert, U.S.D.J.

Dated: September 20, 2013
Central Islip, New York